

**Notice of Allowability**

Application No.

09/087,496

Examiner

Toan D Nguyen

Applicant(s)

FORSLOW, JAN E.

Art Unit

2665

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/5/04.
2. ☒ The allowed claim(s) is/are 49-57, 60-66, 68-75, 77-79, 115-116, 118-121 are renumbered 1-33, respectively.
3. ☒ The drawings filed on 31 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1/26/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/7/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

## **DETAILED ACTION**

### ***Examiner Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John R. Lastova on January 26, 2005.

2. The application has been amended as follows

#### **IN THE CLAIMS:**

In claim 74 line 1, delete "claim 67" and insert --- claim 66 ---.

In claim 75 line 1, delete "claim 67" and insert --- claim 66 ---.

The above examiner's amendment was made to clarify the claims.

### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 49, the prior art fails to teach a combination of the steps of:  
establishing a packet session over the radio interface for a mobile radio host using radio resources from the pool during which plural application flows are communicated with an external network entity, each application flow having a corresponding stream of packets;

wherein establishing the packet session includes:

activating a packet session for the mobile radio terminal so that the mobile radio terminal is in communication with the gateway node, and

the mobile radio terminal requesting an end-to-end configuration between the mobile radio terminal and the external network entity, and

wherein the end-to-end configuration request establishes a network packet layer bearer between the mobile radio terminal and the gateway node permitting relay of data packet between the external network entity and the mobile radio terminal even though a network packet layer address is not assigned to the mobile radio terminal, in the specific combination as recited in the claim.

Regarding claim 66, the prior art fails to teach a combination of the steps of:

establishing a packet session over the radio interface for a mobile radio host using radio resources from the pool during which plural application flows are communicated with an external network entity, each application flow having a corresponding stream of packets;

making a reservation request for a particular quality of service for an individual application flow associated with the packet session;

determining whether the reservation request can be met with radio resources from the pool;

if so, establishing a logical bearer between the mobile radio host and the gateway node to bear plural ones of the individual application flows having different corresponding quality of services, in the specific combination as recited in the claim.

Regarding to claim 77, the prior art fails to teach a combination of the steps of:

establishing a packet session over the radio interface for a mobile radio host using radio resources from the pool during which plural application flows are communicated with an external network entity, each application flow having a corresponding stream of packets;

the serving node merging packets from different sessions with the same quality of service destined for different mobile radio hosts within a same geographical service area; and

the serving node assigning packets destined for the same geographical service area but with different qualities of service to different priority queues corresponding to the different qualities of service, in the specific combination as recited in the claim.

Regarding to claim 115, the prior art fails to teach a combination of the steps of:

electronic circuitry configured to merge packets from different sessions with a same quality of service destined for different mobile radio hosts within a same geographical service area and to assign packets destined for a same geographical service area but with different qualities of service to different priority queues corresponding to the different qualities of service, wherein the electronic circuitry is configured to remove a larger number of packets from a queue having a higher quality of service than a queue having a lower quality of service, in the specific combination as recited in the claim.

Regarding to claim 118, the prior art fails to teach a combination of the steps of:

electronic circuitry configured to merge packets from different sessions with a same quality of service destined for different mobile radio hosts within a same

geographical service area and to monitor each of the application flows to determine whether a data transmission volume limit is exceeded, and if so, to discard packets corresponding to an application flow having a lowest quality of service reserved, in the specific combination as recited in the claim.

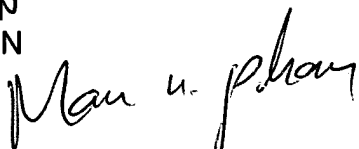
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN  
PRIMARY EXAMINER